

AMENDED IN SENATE MAY 5, 2009

AMENDED IN SENATE APRIL 23, 2009

**SENATE BILL**

**No. 598**

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**Introduced by Senator Huff**  
*(Coauthors: Senators Benoit, Hancock, and Leno)*

February 27, 2009

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An act to amend ~~Sections 13352 and 13352.4~~ *Section 13352* of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 598, as amended, Huff. Vehicles: driving under the influence ~~(DUI): ignition interlock device: (DUI).~~

(1) Existing law requires a person's privilege to operate a motor vehicle to be suspended or revoked for a specified period of time if the person has been convicted of violating specified provisions prohibiting driving a motor vehicle while under the influence of an alcoholic beverage or drug, or the combined influence of an alcoholic beverage and drug, or with 0.08% or more, by weight, of alcohol in his or her blood, or who is addicted to the use of any drug. Existing law authorizes a person whose privilege is suspended or revoked in that manner to receive a restricted driver's license if specified requirements are met, including, in some instances, the installation of a certified ignition interlock device on the person's vehicle.

Existing law requires that a person, convicted of driving under the influence, without bodily injury to another, within 10 years of being convicted of a separate violation of one of specified driving-under-the-influence offenses, be punished by his or her driving privilege being suspended for 2 years. The Department of Motor Vehicles is required to advise the person that he or she may apply for

a restricted driver's license after completion of 12 months of the suspension period, which may include credit for a specified concurrent suspension, subject to certain conditions, including, among other things, submitting proof of installation of a certified ignition interlock device, agreeing to maintain the ignition interlock device, and paying certain fees, including, but not limited to, all administrative fees or reissue fees.

This bill would require the department to advise the person that he or she may apply for a restricted driver's license after completion of 90 days or 12 months of the suspension period, if the circumstances of the offense involve having 0.08% or more, by weight, of alcohol in the blood.

(2) Existing law requires that a person convicted of driving under the influence, without bodily injury to another, within 10 years of being convicted of 2 separate violations of specified driving-under-the-influence offenses, be punished by his or her driving privilege being revoked for 3 years. The department is required to advise the person that he or she may apply for a restricted driver's license after completion of 12 months of the revocation period, which may include credit for a specified concurrent suspension, subject to certain conditions, including, among other things, satisfactory completion of 12 months of an 18-month or 30-month driving-under-the-influence program, submitting proof of installation of a certified ignition interlock device, agreeing to maintain the ignition interlock device, and paying certain fees.

This bill would instead require the department to advise the person of his or her ability to apply for a restricted driver's license after completion of 6 months or 12 months of the revocation period if the circumstances of the offense involve having 0.08% or more, by weight, of alcohol in the blood, and subject to certain conditions, including that if the person is convicted of a specified offense that person subsequently satisfactorily completes 6 months or 12 months of an 18-month or 30-month driving-under-the-influence program, as prescribed. The bill would require the person to pay a fee sufficient to cover the costs of administration, as determined by the department.

~~(3) Existing law requires the department, except under certain circumstances, to issue a restricted driver's license to a person whose driver's license was suspended as a result of a conviction under certain driving-under-the-influence violations where, among other things, the conviction resulted from a first offense. The person is required to fulfill certain requirements to obtain the restricted driver's license, including~~

~~paying certain fees, and the person's driving privilege is restricted to driving to and from work, driving during the course of employment, and driving to and from activities required in the driving-under-the-influence program.~~

~~This bill would prohibit the restriction on the person's driving privilege, with regard to where and when the person is allowed to drive, from applying if the person submits proof of installation of a certified ignition interlock device and agrees to maintain the ignition interlock device. The bill would require that in order to obtain a restricted license the person pay a fee sufficient to cover the costs of administration, as determined by the department. The driver's license record would be required to indicate the person is only allowed to drive with a certified ignition interlock device installed.~~

~~(4) Because it is a crime to operate a vehicle that is not equipped with a functioning, certified ignition interlock device by a person whose driving privilege is so restricted, the bill would impose a state-mandated local program by expanding the scope of a crime.~~

~~(5)~~

~~(3) This bill would become operative on July 1, 2010.~~

~~(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: *yes-no*.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 13352 of the Vehicle Code is amended  
2 to read:  
3 13352. (a) The department shall immediately suspend or  
4 revoke the privilege of a person to operate a motor vehicle upon  
5 the receipt of an abstract of the record of a court showing that the  
6 person has been convicted of a violation of Section 23152 or 23153,  
7 subdivision (a) of Section 23109, or Section 23109.1, or upon the  
8 receipt of a report of a judge of the juvenile court, a juvenile traffic  
9 hearing officer, or a referee of a juvenile court showing that the  
10 person has been found to have committed a violation of Section  
11 23152 or 23153 or subdivision (a) of Section 23109 or Section

23109.1. If an offense specified in this section occurs in a vehicle defined in Section 15210, the suspension or revocation specified below shall apply to the noncommercial driving privilege. The commercial driving privilege shall be disqualified as specified in Sections 15300 to 15302, inclusive. For the purposes of this section, suspension or revocation shall be as follows:

(1) Except as required under Section 13352.1 or 13352.4, upon a conviction or finding of a violation of Section 23152 punishable under Section 23536, the privilege shall be suspended for a period of six months.

The privilege may not be reinstated until the person gives proof of financial responsibility and gives proof satisfactory to the department of successful completion of a driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code described in subdivision (b) of Section 23538. If the court, as authorized under paragraph (3) of subdivision (b) of Section 23646, elects to order a person to enroll, participate, and complete either program described in subdivision (b) of Section 23542, the department shall require that program in lieu of the program described in subdivision (b) of Section 23538. For the purposes of this paragraph, enrollment, participation, and completion of an approved program shall be subsequent to the date of the current violation. Credit may not be given to any program activities completed prior to the date of the current violation.

(2) Upon a conviction or finding of a violation of Section 23153 punishable under Section 23554, the privilege shall be suspended for a period of one year. The privilege may not be reinstated until the person gives proof of financial responsibility and gives proof satisfactory to the department of successful completion of a driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code as described in subdivision (b) of Section 23556. If the court, as authorized under paragraph (3) of subdivision (b) of Section 23646, elects to order a person to enroll, participate, and complete either program described in subdivision (b) of Section 23542, the department shall require that program in lieu of the program described in Section 23556. For the purposes of this paragraph, enrollment, participation, and completion of an approved program shall be subsequent to the date

1 of the current violation. Credit may not be given to any program  
2 activities completed prior to the date of the current violation.

3 (3) Except as provided in Section 13352.5, upon a conviction  
4 or finding of a violation of Section 23152 punishable under Section  
5 23540, the privilege shall be suspended for two years. The privilege  
6 may not be reinstated until the person gives proof of financial  
7 responsibility and gives proof satisfactory to the department of  
8 successful completion of a driving-under-the-influence program  
9 licensed pursuant to Section 11836 of the Health and Safety Code  
10 as described in subdivision (b) of Section 23542. For the purposes  
11 of this paragraph, enrollment, participation, and completion of an  
12 approved program shall be subsequent to the date of the current  
13 violation. Credit shall not be given to any program activities  
14 completed prior to the date of the current violation. The department  
15 shall advise a person convicted or found to be in violation of  
16 subdivision (a) of Section 23152 that after completion of 12 months  
17 of the suspension period, which may include credit for a suspension  
18 period served under subdivision (c) of Section 13353.3, the person  
19 may apply to the department for a restricted driver's license. The  
20 department shall advise a person convicted or found to be in  
21 violation of subdivision (b) of Section 23152 that after completion  
22 of 90 days of the suspension period, which may include credit for  
23 a suspension period served under subdivision (c) of Section  
24 13353.3, the person may apply to the department for a restricted  
25 driver's license. Eligibility for the restricted driver's license is  
26 subject to the following conditions:

27 (A) The person has satisfactorily provided, subsequent to the  
28 violation date of the current underlying conviction, either of the  
29 following:

30 (i) Proof of enrollment in an 18-month  
31 driving-under-the-influence program licensed pursuant to Section  
32 11836 of the Health and Safety Code.

33 (ii) Proof of enrollment in a 30-month  
34 driving-under-the-influence program licensed pursuant to Section  
35 11836 of the Health and Safety Code, if available in the county of  
36 the person's residence or employment.

37 (B) The person agrees, as a condition of the restriction, to  
38 continue satisfactory participation in the program described in  
39 subparagraph (A).

1 (C) The person submits the “Verification of Installation” form  
2 described in paragraph (2) of subdivision (g) of Section 13386.

3 (D) The person agrees to maintain the ignition interlock device  
4 as required under subdivision (g) of Section 23575.

5 (E) The person provides proof of financial responsibility, as  
6 defined in Section 16430.

7 (F) The person pays all reissue fees and any restriction fee  
8 required by the department.

9 (G) The person pays to the department a fee sufficient to cover  
10 the costs of administration of this paragraph, as determined by the  
11 department.

12 (H) The restriction shall remain in effect for the period required  
13 in subdivision (f) of Section 23575.

14 (4) Except as provided in this paragraph, upon a conviction or  
15 finding of a violation of Section 23153 punishable under Section  
16 23560, the privilege shall be revoked for a period of three years.  
17 The privilege may not be reinstated until the person gives proof  
18 of financial responsibility, and the person gives proof satisfactory  
19 to the department of successful completion of a  
20 driving-under-the-influence program licensed pursuant to Section  
21 11836 of the Health and Safety Code, as described in paragraph  
22 (4) of subdivision (b) of Section 23562. For the purposes of this  
23 paragraph, enrollment, participation, and completion of an  
24 approved program shall be subsequent to the date of the current  
25 violation. Credit shall not be given to any program activities  
26 completed prior to the date of the current violation. The department  
27 shall advise the person that after the completion of 12 months of  
28 the revocation period, which may include credit for a suspension  
29 period served under subdivision (c) of Section 13353.3, the person  
30 may apply to the department for a restricted driver’s license, subject  
31 to the following conditions:

32 (A) The person has satisfactorily completed, subsequent to the  
33 violation date of the current underlying conviction, either of the  
34 following:

35 (i) The initial 12 months of an 18-month  
36 driving-under-the-influence program licensed pursuant to Section  
37 11836 of the Health and Safety Code.

38 (ii) The initial 12 months of a 30-month  
39 driving-under-the-influence program licensed pursuant to Section  
40 11836 of the Health and Safety Code, if available in the county of

1 the person's residence or employment, and the person agrees, as  
2 a condition of the restriction, to continue satisfactory participation  
3 in that 30-month program.

4 (B) The person submits the "Verification of Installation" form  
5 described in paragraph (2) of subdivision (g) of Section 13386.

6 (C) The person agrees to maintain the ignition interlock device  
7 as required under subdivision (g) of Section 23575.

8 (D) The person provides proof of financial responsibility, as  
9 defined in Section 16430.

10 (E) The person pays all applicable reinstatement or reissue fees  
11 and any restriction fee required by the department.

12 (F) The restriction shall remain in effect for the period required  
13 in subdivision (f) of Section 23575.

14 (5) Except as provided in this paragraph, upon a conviction or  
15 finding of a violation of Section 23152 punishable under Section  
16 23546, the privilege shall be revoked for a period of three years.  
17 The privilege may not be reinstated until the person files proof of  
18 financial responsibility and gives proof satisfactory to the  
19 department of successful completion of one of the following  
20 programs: an 18-month driving-under-the-influence program  
21 licensed pursuant to Section 11836 of the Health and Safety Code,  
22 as described in subdivision (b) or (c) of Section 23548, or, if  
23 available in the county of the person's residence or employment,  
24 a 30-month driving-under-the-influence program licensed pursuant  
25 to Section 11836 of the Health and Safety Code, or a program  
26 specified in Section 8001 of the Penal Code. For the purposes of  
27 this paragraph, enrollment, participation, and completion of an  
28 approved program shall be subsequent to the date of the current  
29 violation. Credit shall not be given to any program activities  
30 completed prior to the date of the current violation. The department  
31 shall advise a person convicted or found to be in violation of  
32 subdivision (a) of Section 23152 that after completion of 12 months  
33 of the revocation period, which may include credit for a suspension  
34 period served under subdivision (c) of Section 13353.3, the person  
35 may apply to the department for a restricted driver's license. The  
36 department shall advise a person convicted or found to be in  
37 violation of subdivision (b) of Section 23152 that after completion  
38 of six months of the revocation period, which may include credit  
39 for a suspension period served under subdivision (c) of Section  
40 13353.3, the person may apply to the department for a restricted

1 driver's license. Eligibility for the restricted driver's license is  
2 subject to the following conditions:

3 (A) The person has satisfactorily completed, subsequent to the  
4 violation date of the current underlying conviction, one of the  
5 following:

6 (i) With regard to a conviction under subdivision (a) of Section  
7 23152, the initial 12 months of an 18-month  
8 driving-under-the-influence program licensed pursuant to Section  
9 11836 of the Health and Safety Code.

10 (ii) With regard to a conviction under subdivision (a) of Section  
11 23152, the initial 12 months of a 30-month  
12 driving-under-the-influence program licensed pursuant to Section  
13 11836 of the Health and Safety Code, if available in the county of  
14 the person's residence or employment, and the person agrees, as  
15 a condition of the restriction, to continue satisfactory participation  
16 in the 30-month driving-under-the-influence program.

17 (iii) With regard to a conviction under subdivision (b) of Section  
18 23152, the initial six months of an 18-month  
19 driving-under-the-influence program licensed pursuant to Section  
20 11836 of the Health and Safety Code.

21 (iv) With regard to a conviction under subdivision (b) of Section  
22 23152, the initial six months of a 30-month  
23 driving-under-the-influence program licensed pursuant to Section  
24 11836 of the Health and Safety Code, if available in the county of  
25 the person's residence or employment, and the person agrees, as  
26 a condition of the restriction, to continue satisfactory participation  
27 in the 30-month driving-under-the-influence program.

28 (B) The person submits the "Verification of Installation" form  
29 described in paragraph (2) of subdivision (g) of Section 13386.

30 (C) The person agrees to maintain the ignition interlock device  
31 as required under subdivision (g) of Section 23575.

32 (D) The person provides proof of financial responsibility, as  
33 defined in Section 16430.

34 (E) An individual convicted of a violation of Section 23152  
35 punishable under Section 23546 may also, at any time after  
36 sentencing, petition the court for referral to an 18-month  
37 driving-under-the-influence program licensed pursuant to Section  
38 11836 of the Health and Safety Code, or, if available in the county  
39 of the person's residence or employment, a 30-month  
40 driving-under-the-influence program licensed pursuant to Section



1 11836 of the Health and Safety Code. Unless good cause is shown,  
2 the court shall order the referral.

3 (F) The person pays all applicable reinstatement or reissue fees  
4 and any restriction fee required by the department.

5 (G) The person pays to the department a fee sufficient to cover  
6 the costs of administration of this paragraph, as determined by the  
7 department.

8 (H) The restriction shall remain in effect for the period required  
9 in subdivision (f) of Section 23575.

10 (6) Except as provided in this paragraph, upon a conviction or  
11 finding of a violation of Section 23153 punishable under Section  
12 23550.5 or 23566, the privilege shall be revoked for a period of  
13 five years. The privilege may not be reinstated until the person  
14 gives proof of financial responsibility and proof satisfactory to the  
15 department of successful completion of one of the following  
16 programs: an 18-month driving-under-the-influence program  
17 licensed pursuant to Section 11836 of the Health and Safety Code,  
18 as described in subdivision (b) of Section 23568 or, if available in  
19 the county of the person's residence or employment, a 30-month  
20 driving-under-the-influence program licensed pursuant to Section  
21 11836 of the Health and Safety Code, or a program specified in  
22 Section 8001 of the Penal Code. For the purposes of this paragraph,  
23 enrollment, participation, and completion of an approved program  
24 shall be subsequent to the date of the current violation. Credit shall  
25 not be given to any program activities completed prior to the date  
26 of the current violation. The department shall advise the person  
27 that after the completion of 12 months of the revocation period,  
28 which may include credit for a suspension period served under  
29 subdivision (c) of Section 13353.3, the person may apply to the  
30 department for a restricted driver's license, subject to the following  
31 conditions:

32 (A) The person has satisfactorily completed, subsequent to the  
33 violation date of the current underlying conviction, either of the  
34 following:

35 (i) The initial 12 months of a 30-month  
36 driving-under-the-influence program licensed pursuant to Section  
37 11836 of the Health and Safety Code, if available in the county of  
38 the person's residence or employment, and the person agrees, as  
39 a condition of the restriction, to continue satisfactory participation  
40 in the 30-month driving-under-the-influence program.

1 (ii) The initial 12 months of an 18-month  
2 driving-under-the-influence program licensed pursuant to Section  
3 11836 of the Health and Safety Code, if a 30-month program is  
4 unavailable in the person's county of residence or employment.

5 (B) The person submits the "Verification of Installation" form  
6 described in paragraph (2) of subdivision (g) of Section 13386.

7 (C) The person agrees to maintain the ignition interlock device  
8 as required under subdivision (g) of Section 23575.

9 (D) The person provides proof of financial responsibility, as  
10 defined in Section 16430.

11 (E) An individual convicted of a violation of Section 23153  
12 punishable under Section 23566 may also, at any time after  
13 sentencing, petition the court for referral to an 18-month  
14 driving-under-the-influence program or, if available in the county  
15 of the person's residence or employment, a 30-month  
16 driving-under-the-influence program licensed pursuant to Section  
17 11836 of the Health and Safety Code. Unless good cause is shown,  
18 the court shall order the referral.

19 (F) The person pays all applicable reinstatement or reissue fees  
20 and any restriction fee required by the department.

21 (G) The restriction shall remain in effect for the period required  
22 in subdivision (f) of Section 23575.

23 (7) Except as provided in this paragraph, upon a conviction or  
24 finding of a violation of Section 23152 punishable under Section  
25 23550 or 23550.5, or Section 23153 punishable under Section  
26 23550.5 the privilege shall be revoked for a period of four years.  
27 The privilege may not be reinstated until the person gives proof  
28 of financial responsibility and proof satisfactory to the department  
29 of successful completion of one of the following programs: an  
30 18-month driving-under-the-influence program licensed pursuant  
31 to Section 11836 of the Health and Safety Code, or, if available  
32 in the county of the person's residence or employment, a 30-month  
33 driving-under-the-influence program licensed pursuant to Section  
34 11836 of the Health and Safety Code, or a program specified in  
35 Section 8001 of the Penal Code. For the purposes of this paragraph,  
36 enrollment, participation, and completion of an approved program  
37 shall be subsequent to the date of the current violation. Credit shall  
38 not be given to any program activities completed prior to the date  
39 of the current violation. The department shall advise the person  
40 that after the completion of 12 months of the revocation period,

1 which may include credit for a suspension period served under  
2 subdivision (c) of Section 13353.3, the person may apply to the  
3 department for a restricted driver's license, subject to the following  
4 conditions:

5 (A) The person has satisfactorily completed, subsequent to the  
6 violation date of the current underlying conviction, either of the  
7 following:

8 (i) The initial 12 months of an 18-month  
9 driving-under-the-influence program licensed pursuant to Section  
10 11836 of the Health and Safety Code.

11 (ii) The initial 12 months of a 30-month  
12 driving-under-the-influence program licensed pursuant to Section  
13 11836 of the Health and Safety Code, if available in the county of  
14 the person's residence or employment, and the person agrees, as  
15 a condition of the restriction, to continue satisfactory participation  
16 in the 30-month driving-under-the-influence program.

17 (B) The person submits the "Verification of Installation" form  
18 described in paragraph (2) of subdivision (g) of Section 13386.

19 (C) The person agrees to maintain the ignition interlock device  
20 as required under subdivision (g) of Section 23575.

21 (D) The person provides proof of financial responsibility, as  
22 defined in Section 16430.

23 (E) An individual convicted of a violation of Section 23152  
24 punishable under Section 23550 may also, at any time after  
25 sentencing, petition the court for referral to an 18-month  
26 driving-under-the-influence program or, if available in the county  
27 of the person's residence or employment, a 30-month  
28 driving-under-the-influence program licensed pursuant to Section  
29 11836 of the Health and Safety Code. Unless good cause is shown,  
30 the court shall order the referral.

31 (F) The person pays all applicable reinstatement or reissue fees  
32 and any restriction fee required by the department.

33 (G) The restriction shall remain in effect for the period required  
34 in subdivision (f) of Section 23575.

35 (8) Upon a conviction or finding of a violation of subdivision  
36 (a) of Section 23109 that is punishable under subdivision (e) of  
37 that section, the privilege shall be suspended for a period of 90  
38 days to six months, if ordered by the court. The privilege may not  
39 be reinstated until the person gives proof of financial responsibility,  
40 as defined in Section 16430.

1 (9) Upon a conviction or finding of a violation of subdivision  
2 (a) of Section 23109 that is punishable under subdivision (f) of  
3 that section, the privilege shall be suspended for a period of six  
4 months, if ordered by the court. The privilege may not be reinstated  
5 until the person gives proof of financial responsibility, as defined  
6 in Section 16430.

7 (b) For the purpose of paragraphs (2) to (9), inclusive, of  
8 subdivision (a), the finding of the juvenile court judge, the juvenile  
9 hearing officer, or the referee of a juvenile court of a commission  
10 of a violation of Section 23152 or 23153 or subdivision (a) of  
11 Section 23109 or Section 23109.1, as specified in subdivision (a)  
12 of this section, is a conviction.

13 (c) A judge of a juvenile court, juvenile hearing officer, or  
14 referee of a juvenile court shall immediately report the findings  
15 specified in subdivision (a) to the department.

16 (d) A conviction of an offense in a state, territory, or possession  
17 of the United States, the District of Columbia, the Commonwealth  
18 of Puerto Rico, or Canada that, if committed in this state, would  
19 be a violation of Section 23152, is a conviction of Section 23152  
20 for the purposes of this section, and a conviction of an offense  
21 that, if committed in this state, would be a violation of Section  
22 23153, is a conviction of Section 23153 for the purposes of this  
23 section. The department shall suspend or revoke the privilege to  
24 operate a motor vehicle pursuant to this section upon receiving  
25 notice of that conviction.

26 (e) For the purposes of the restriction conditions specified in  
27 paragraphs (3) to (7), inclusive, of subdivision (a), the department  
28 shall terminate the restriction imposed pursuant to this section and  
29 shall suspend or revoke the person's driving privilege upon receipt  
30 of notification from the driving-under-the-influence program that  
31 the person has failed to comply with the program requirements.  
32 The person's driving privilege shall remain suspended or revoked  
33 for the remaining period of the original suspension or revocation  
34 imposed under this section and until all reinstatement requirements  
35 described in this section are met.

36 (f) For the purposes of this section, completion of a program is  
37 the following:

38 (1) Satisfactory completion of all program requirements  
39 approved pursuant to program licensure, as evidenced by a

1 certificate of completion issued, under penalty of perjury, by the  
2 licensed program.

3 (2) Certification, under penalty of perjury, by the director of a  
4 program specified in Section 8001 of the Penal Code, that the  
5 person has completed a program specified in Section 8001 of the  
6 Penal Code.

7 (g) The holder of a commercial driver's license who was  
8 operating a commercial motor vehicle, as defined in Section 15210,  
9 at the time of a violation that resulted in a suspension or revocation  
10 of the person's noncommercial driving privilege under this section  
11 is not eligible for the restricted driver's license authorized under  
12 paragraphs (3) to (7), inclusive, of subdivision (a).

13 ~~SEC. 2. Section 13352.4 of the Vehicle Code is amended to~~  
14 ~~read:~~

15 ~~13352.4. (a) Except as provided in subdivision (h), the~~  
16 ~~department shall issue a restricted driver's license to a person~~  
17 ~~whose driver's license was suspended under paragraph (1) of~~  
18 ~~subdivision (a) of Section 13352 or Section 13352.1, if the person~~  
19 ~~meets all of the following requirements:~~

20 ~~(1) Submits proof satisfactory to the department of enrollment~~  
21 ~~in, or completion of, a driving-under-the-influence program~~  
22 ~~licensed pursuant to Section 11836 of the Health and Safety Code,~~  
23 ~~as described in subdivision (b) of Section 23538.~~

24 ~~(2) Submits proof of financial responsibility, as defined in~~  
25 ~~Section 16430.~~

26 ~~(3) Pays all applicable reinstatement or reissue fees and any~~  
27 ~~restriction fee required by the department.~~

28 ~~(4) Pays to the department a fee sufficient to cover the costs of~~  
29 ~~administrative of this section, as determined by the department.~~

30 ~~(b) The restriction of the driving privilege shall become effective~~  
31 ~~when the department receives all of the documents and fees~~  
32 ~~required under subdivision (a) and shall remain in effect until the~~  
33 ~~final day of the original suspension imposed under paragraph (1)~~  
34 ~~of subdivision (a) of Section 13352 or Section 13352.1, or until~~  
35 ~~the date all reinstatement requirements described in Section 13352~~  
36 ~~or 13352.1 have been met, whichever date is later, and may include~~  
37 ~~credit for any suspension period served under subdivision (c) of~~  
38 ~~Section 13353.3.~~

39 ~~(c) (1) The restriction of the driving privilege shall be limited~~  
40 ~~to the hours necessary for driving to and from the person's place~~

1 of employment, driving during the course of employment, and  
2 driving to and from activities required in the  
3 driving-under-the-influence program.

4 (2) The restriction described in paragraph (1) shall not apply if  
5 the person fulfills both the following requirements:

6 (A) The person submits the “Verification of Installation” form  
7 described in paragraph (2) of subdivision (g) of Section 13386.

8 (B) The person agrees to maintain the ignition interlock device  
9 as required under subdivision (g) of Section 23575.

10 (3) If the person fulfills the requirements of paragraph (2), the  
11 person’s driver’s license record shall indicate the restriction that  
12 the person may only drive a vehicle with a certified ignition  
13 interlock device installed.

14 (d) Whenever the driving privilege is restricted under this  
15 section, proof of financial responsibility, as defined in Section  
16 16430, shall be maintained for three years. If the person does not  
17 maintain that proof of financial responsibility at any time during  
18 the restriction, the driving privilege shall be suspended until the  
19 proof required under Section 16484 is received by the department.

20 (e) For the purposes of this section, enrollment, participation,  
21 and completion of an approved program shall be subsequent to the  
22 date of the current violation. Credit may not be given to a program  
23 activity completed prior to the date of the current violation.

24 (f) The department shall terminate the restriction issued under  
25 this section and shall suspend the privilege to operate a motor  
26 vehicle pursuant to paragraph (1) of subdivision (a) of Section  
27 13352 or Section 13352.1 immediately upon receipt of notification  
28 from the driving-under-the-influence program that the person has  
29 failed to comply with the program requirements. The privilege  
30 shall remain suspended until the final day of the original suspension  
31 imposed under paragraph (1) of subdivision (a) of Section 13352  
32 or Section 13352.1, or until the date all reinstatement requirements  
33 described in Section 13352 or 13352.1 have been met, whichever  
34 date is later.

35 (g) The holder of a commercial driver’s license who was  
36 operating a commercial motor vehicle, as defined in Section 15210,  
37 at the time of a violation that resulted in a suspension or revocation  
38 of the person’s noncommercial driving privilege under paragraph  
39 (1) of subdivision (a) of Section 13352 or Section 13352.1 is not

1 eligible for the restricted driver's license authorized under this  
2 section.

3 (h) If, upon conviction, the court has made the determination,  
4 as authorized under subdivision (d) of Section 23536 or paragraph  
5 (3) of subdivision (a) of Section 23538, to disallow the issuance  
6 of a restricted driver's license, the department may not issue a  
7 restricted driver's license under this section.

8 ~~SEC. 3.~~

9 *SEC. 2.* This act shall become operative on July 1, 2010.

10 ~~SEC. 4.~~ No reimbursement is required by this act pursuant to  
11 Section 6 of Article XIII B of the California Constitution because  
12 the only costs that may be incurred by a local agency or school  
13 district will be incurred because this act creates a new crime or  
14 infraction, eliminates a crime or infraction, or changes the penalty  
15 for a crime or infraction, within the meaning of Section 17556 of  
16 the Government Code, or changes the definition of a crime within  
17 the meaning of Section 6 of Article XIII B of the California  
18 Constitution.